



DOCKET FILE COPY ORIGINAL

c/o Carl R. Stevenson - WA6VSE
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July 26, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
455 Twelfth Street S.W.
Washington, DC 20554

RECEIVED

JUL 27 1999

FCC MAIL ROOM

Re: RM-9673, Petition for Rulemaking, Filed by the Central States VHF Society

Dear Madame Secretary:

Attached are the comments of No Code International in opposition to the above-referenced Petition for Rulemaking, along with a Certificate of Service attesting to the fact that copies of these comments were mailed to the Petitioner(s).

Included are sufficient copies for your files as well as the Commissioners and the WTB staff members enumerated in the following cc: list.

Also enclosed for your convenience in posting this material to the ECFS is a floppy disk containing Adobe Acrobat .pdf format copies of this cover letter, the Comments, and the Certificate of Service.

Thank you for the opportunity to participate in the regulatory process.

A handwritten signature in black ink, appearing to read "Carl R. Stevenson". The signature is fluid and cursive.

Director, No Code International
As directed by the Board of Directors as a Whole

cc: Christopher J. Wright, General Counsel, FCC
Thomas J. Sugrue, Chief, WTB
D'wana R. Terry, Chief, Private Wireless Division, WTB
John Borkowski, Chief, Policy & Rules Branch, Private Wireless Division, WTB
William Cross, Private Wireless Division, WTB

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

RECEIVED

JUL 27 1999

FCC MAIL ROOM

In the Matter of:)
)
The Petition for Rulemaking filed by the) RM-9673
Central States VHF Society --)
)
Request to change Part 97.305 of the)
Commission's Rules to limit certain types)
Of transmission on prescribed portions of)
The Amateur VHF and UHF bands)

To: The Secretary,
Federal Communications Commission

cc: Chairman William E. Kennard
Commissioner Susan Ness
Commissioner Michael Powell
Commissioner Harold Furchgott-Roth
Commissioner Gloria Tristani

**COMMENTS OF NO CODE INTERNATIONAL
IN OPPOSITION TO THE ABOVE-REFERENCED PETITION FOR
RULEMAKING**

1. No Code International ("NCI"), on behalf of its Members, by its Board of Directors, hereby submits its comments in opposition to the Petition for Rulemaking in the above-captioned proceeding.

Introduction

2. While the primary objective of No Code International (“NCI”) is the global elimination of unnecessary requirements for Morse Code proficiency testing, we also find it incumbent upon us from time to time to speak out on behalf of our membership in opposition to other forms of unnecessary prescriptive regulations which we believe which are equally contrary to well-being of the Amateur Radio Service (“ARS”) and the “Basis and Purpose” of the ARS, as defined in §97.1 of the Commission’s Rules.

3. We believe that any regulation which unnecessarily restricts the ability of the amateur community to experiment with and employ a wide variety of technologies, both old and new, for the sole apparent purpose of serving the self-interest of any particular minority special interest component of that larger community is contrary to the letter, spirit, and intent of §97.1 of the Commission’s Rules as well as the well-established concept that no amateur or group of amateurs may lay claim to the exclusive use of any particular frequency of set of frequencies.

4. The instant Petition for Rulemaking, filed by the Central States VHF Society (“CSVHFS”) appears to NCI to seek to accomplish essentially that ... to set aside a significant portion of the most popular and populated VHF/UHF bands for the sole benefit of a particular sub-set of the amateur community.

5. While NCI’s membership is international in nature, with members at present in a total of 42 countries, the majority of our membership is U.S. licensed amateurs. NCI is, therefore, an interested party in this Proceeding.

The Amendments to the Commission's Rules requested in the instant Petition for Rulemaking are unnecessary, unduly restrictive, and not in the best interest of the Amateur Radio Service.

6. In its Petition, the CSVHFS contends:

"The CSVHFS contends that long haul weak signal work on the bands above 50 MHz is vital to the continued contribution that amateurs can make to the state of the radio communications art. We are concerned that the experimentation necessary to continue to make these contributions is in jeopardy with the increasing encroachment of various kinds of wide band modes such as FM voice and packet into the small portions of the bands where weak signal work customarily takes place. This proposal is intended to head off the problem by limiting the kinds of transmissions permitted in these narrow portions of the VHF and UHF spectrum, while maintaining ample space for use by wider band modes."

7. While NCI is certainly not "anti weak signal operation," NCI believes that these claims are a somewhat self-serving exaggeration, in several respects. While it is certainly true that in the early days of radio, amateurs made significant contributions to the understanding of VHF and UHF propagation phenomena, the reality is that this is less the case today than in the past for several valid reasons, neither of which reflect badly on either the ARS as a whole, nor on the operators who engage in such "weak signal" activities:

- Today such propagation phenomena are well understood due to the extensive amateur and commercial experience in these bands over the past several decades.
- The CSVHFS admits in its Petition that the "weak signal" activities they seek to protect (virtually always) employ "Morse Code CW and SSB voice" transmissions.¹ While these can admittedly be effective means of communicating, they are certainly not "ground-breaking experimental work," since Morse CW and SSB are both well-understood techniques which have been around for decades.
- Furthermore, today the vast bulk of such "weak signal" operations consists primarily of contesting and award seeking activities wherein the communications are completely recreational and non-essential in nature and designed solely for the purpose of gathering "points" by contacting stations in other states, counties, geographical "grid squares," etc. While such activities are fine, NCI does not believe that they are deserving of some sort of "protected class" status.

¹ From the Petition of the CSVHFS, first paragraph at the top of the second page.

8. These observations should not be construed as implying that NCI has any objection to individuals engaging in these sorts of activities. Our real objection is that the intent of the CSVHFS's petition seems to be to establish those activities as some sort of "protected class" with exclusive rights at the expense of the remainder of the amateur community. This is inappropriate and would set a very undesirable precedent.

9. Neither should our opposition to the instant Petition be misconstrued as implying that NCI advocates some sort of anarchistic "free-for-all" where anyone is free to willfully interfere with the legitimate operations of others ("weak signal operators" or not). That is certainly not the case. NCI simply believes that no such "protected class" should be established at the expense of the remainder of the amateur community and that the Commission's Rules provide adequately for enforcement actions against intransigent individuals who repeatedly and willfully interfere with any legitimate operations.

10. NCI believes that individual licensees should be able to make sensible choices for themselves, with knowledge that their emissions are within amateur band limits and in compliance with band plans developed by way of self-regulation. Amateur band plans do and should change with the times, according to contemporary technology and popularity, and not should not be "cast in concrete" by protectionist, conservative prescriptions. The Commission has no genuine need to regulate mode usage limitations between the defined lower and upper band edges.

11. NCI firmly believes that there are still many opportunities for amateurs ("weak signal operators" and others alike) to contribute to the advancement of the state of the radio art, and that that is an admirable goal (as well as an obligation which accompanies our privileges as licensees) to which we should all aspire as amateurs.

12. However we fail to see how arbitrarily restricting the use of portions of bands to particular modes preferred by certain individuals or groups promotes this goal. In fact, NCI firmly believes that such arbitrary restrictions, which segregate the bands according to modes, artificially and unnecessarily limit the development, introduction, and use of new modes and are directly contrary to the above-referenced goals established by the Commission as the “raison d’etre” for the ARS.

13. Furthermore, holding up the mode, occupied bandwidth, and symbol rate restrictions currently in force on the amateur HF bands as an “ideal” for new regulation in the VHF/UHF bands is also counterproductive since those very restrictions from the HF bands are themselves out of date, out of touch with today’s technical possibilities, unnecessarily restrictive, and should be modernized (though that is an issue beyond the scope of these comments.)

14. Such restrictions favoring “narrowband” modes over “wideband” modes and seeking to establish protected enclaves for such “narrowband” modes stem from a fundamentally flawed “conventional wisdom” from the distant past that “narrower is always better” (where better translates to “more spectrally efficient” or “provides more effective, reliable communications capability.”) This is clearly not always the case, as was established beyond any doubt by Claude Shannon’s groundbreaking work “*A Mathematical Theory of Communications*,” which was published over half a century ago.

15. The Commission is reminded that, in its Comments in WT Docket 98-143, at ¶10, NCI recommended and requested that the Commission Commence a Notice of Inquiry seeking comment from the public on what portions of Part 97's technical and operational regulations constitute unnecessary barriers to technical advancement and experimentation in the ARS in light of today's technology. We renew this request in these Comments, in hopes that such an NOI will be forthcoming. The Commission's technical standards and restrictions for the ARS are in need of modernization to enable and encourage unfettered technical progress and advancement in the ARS in the coming century.

Conclusion and Recommendations

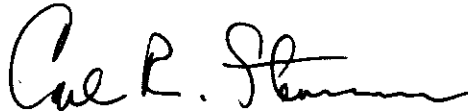
16. The instant Petition filed by the CSVHFS seeks to go in exactly the opposite direction from that which will enable the ARS to fulfill its "Basis and Purpose" as outlined in §97.1 of the Commission's Rules and discussed above.

17. The instant Petition is reminiscent of, and equally as onerous as, the "Request for Declaratory Ruling" from the American Radio Relay League ("ARRL") of some months ago, which sought to effectively codify "bandplans" into prescriptive regulation.

18. NCI notes that the Commission has apparently elected to not act on that request, which was overwhelmingly unpopular in the amateur community, judging from the body of comment on that matter. We are grateful that the Commission apparently recognized the adverse effect that such rigid restrictions on mode usage would have upon the amateur community as a whole. NCI hopes that the Commission will exercise the same wisdom and restraint in this matter and not promulgate unnecessary regulations which would further hamstring the development and adoption of new technologies in the ARS.

19. NCI requests and recommends that the Commission DISMISS the instant Petition without further action as not being in the best interest of the future of the ARS.

Respectfully submitted,

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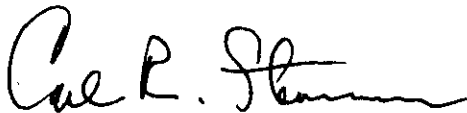
Director, No Code International
(as directed and approved by the Board of Directors as a whole)

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CERTIFICATE OF SERVICE:

On or about June 29, 1999 the Commission assigned this petition file number RM-9673 and established a 30 day preliminary comment period. The public comment period ends on July 28, 1999. Therefore these comments are timely filed.

On July 26, 1999 I mailed a true and correct copy of the attached document (described as "Comments of No Code International in Opposition to the Above-Referenced Petition for Rulemaking" (RM-9673) to the Petitioners, William A. Tynan, W3XO, of HCR5 Box 574-336, Kerrville, TX 78028 and Rod Blocksom, K0DAS, of 690 Eastview Drive, Robins, IA 52328 as required by Section §1.47 and §1.405 of the Commission's Rules (47 C.F.R. §1.47, 47 C.F.R. §1.405)

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